

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

WILLIAM DIMERCURIO,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:11-cv-01175
)	
DEIDRE MALCOM.,)	
)	
Defendant.)	

MEMORANDUM IN OPPOSITION TO PLAINTIFF'S MOTION FOR CONTINUANCE

COMES NOW the Defendant and for her Memorandum in Opposition to Plaintiff's Motion for Continuance, states as follows:

Plaintiff's counsel did discuss with Defendant's counsel the Motion for Continuance. Defendant's counsel initially advised he would neither consent nor object to the motion. However, counsel has now spoken with his client and she wishes to object to the motion.

Defendant home schools her children and is responsible for the education of her children. Defendant is currently scheduled for education competitions for her children the week of November 17, 2012 through December 1, 2012. Defendant also has family commitments the week of January 16 through 25, 2013. Defendant and her family have also planned a family vacation for the week of November 3-10, 2012.

Defendant's counsel is mindful of the Court's difficulty in scheduling cases to suit all of the parties personal lives. However, Plaintiff is the one who initiated the lawsuit. To the extent Plaintiff has to make a change in his vacation plans, it would seem that the burden should be on Plaintiff rather than Defendant. To the extent the Court does grant Plaintiff's Motion for

Continuance, Defendant's counsel would respectfully request that the Court not set the matter for the dates in this Memorandum.

HEPLERBROOM LLC

By: /s/ Thomas J. Magee
Thomas J. Magee, # 3725
211 North Broadway, Suite 2700
St. Louis, MO 63102
Telephone: (314) 241-6160
Facsimile: (314) 241-6116
Email: tmagee@heplerbroom.com
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of September, 2012, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system and by way of U.S. Mail upon the following:

Noel A. Sevastianos
Sevastianos & Associates, PC
120 South Central Avenue, Suite 130
St. Louis, MO 63105-1705
Attorney for Plaintiff

Noel@NoelsLaw.com

By: /s/ Thomas J. Magee